



Washington State Office of Civil Legal Aid

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OFFICE OF CIVIL LEGAL AID AGENCY STRATEGIC PLAN DECEMBER 2008

The Washington State Office of Civil Legal Aid (OCLA) is an independent judicial branch agency established to administer and oversee the state's investment in civil legal aid services to low income residents. The OCLA is not a provider of civil legal aid services. It contracts with non-profit "qualified legal aid programs" to provide a full range of authorized civil legal aid service to eligible clients with civil legal problems that fall within the areas of authorized representation set forth in RCW 2.53.030(2). The OCLA contracts, monitors and oversees the use of these funds to ensure effective and economical delivery of civil legal aid services, and accountability of such services to the low income people served, the Legislature and the taxpayers of the state of Washington.

A. AGENCY MISSION:

The provision of civil legal aid services to indigent persons is an important component of the state's responsibility to provide for the proper and effective administration of justice. The mission of the Office of Civil Legal Aid is to work within the judicial branch and with the Supreme Court's Access to Justice Board to ensure justice for low income residents of Washington State through the funding and oversight of effective, economical and responsive state-funded civil legal aid services and to ensure accountability for state-appropriated funds dedicated to this purpose.

B. POLICY DIRECTIVES AND OBJECTIVES:

1. Statutory Directives

- a. RCW 2.53.005: Statement of legislative intent
<http://apps.leg.wa.gov/RCW/default.aspx?cite=2.53.005>
- b. RCW 2.53.010: Establishment of and charge to Civil Legal Aid Oversight Committee
<http://apps.leg.wa.gov/RCW/default.aspx?cite=2.53.010>
- c. RCW 2.53.020: Establishment of and charge to the Office of Civil Legal Aid
<http://apps.leg.wa.gov/RCW/default.aspx?cite=2.53.020>

- d. RCW 2.53.030: Provisions regarding the use of legislatively appropriated state civil legal aid funding
<http://apps.leg.wa.gov/RCW/default.aspx?cite=2.53.030>
- e. Applicable budget provisos <http://www.leg.wa.gov/pub/billinfo/2007-08/Pdf/Bills/Session%20Law%202007/1128-S.SL.pdf> (sec. 115)

2. Relevant Judicial Branch Policy Objectives¹

- a. *Fair and Impartial Administration of Justice in All Civil and Criminal Cases.* Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
- b. *Accessibility.* Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.
- c. *Access to Necessary Legal Resources.* Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel.

3. Supreme Court Access to Justice Board Policy Objectives

- a. Hallmarks of an Effective Civil Legal Aid Delivery System
<http://www.wsba.org/atj/documents/hallmark.htm>
- b. Statement of Principles and Goals
<http://www.wsba.org/atj/board/statementpringoals.htm>
- c. State Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State (adopted by Civil Legal Aid Oversight Committee 6/06)
<http://www.wsba.org/lawyers/groups/probono/2006stateplan.pdf>
- d. State Plan Implementation Report (August 2008)

¹ Judicial Branch Policy Goals adopted by the Supreme Court (June 2008).

C. AGENCY GOALS:

1. Funding: Secure funding necessary to address the most important civil legal needs of low income people as documented by the Civil Legal Needs Study and related reports of the Supreme Court's Task Force on Civil Equal Justice Funding.
2. Accountability: Ensure that state funding invested in civil legal aid delivery and infrastructure underwrites effective and economical service delivery that is consistent with applicable statutory and contractual requirements and is responsive to the most significant civil legal problems experienced by eligible low income people within Washington State.
3. Equity: Eligible low income people will have equitable access to the type and quality of civil legal aid services they need to solve important personal and family civil legal problems, regardless of where they reside or barriers they may experience due to cultural, linguistic, ability-based or other characteristics.
4. State Support: Statewide support infrastructure necessary to enable the state-funded civil legal aid system to provide effective, economical and high quality client services will be established and maintained.
5. Integration Within Judicial Branch: The provision of effective and economical civil legal aid will be recognized as an enduring responsibility and high priority of the Washington State judicial branch.
6. Oversight: Ensure effective, ongoing bipartisan oversight of the activities of the Office of Civil Legal Aid.
7. Continuous Assessment and Reporting: Establish and/or support systems that allow continued assessment of the social, economic and legal environment affecting low income residents and the capacity of the state-funded civil legal aid delivery system to address the civil legal needs of eligible low income individuals and families; report and make recommendations on policies relating to the provision of state-funded civil legal aid in Washington State.

D. AGENCY OBJECTIVES:

1. Funding: Secure state funding necessary to address the most important civil legal needs of low income people as documented by the Civil Legal Needs Study and related reports of the Supreme Court's Task Force on Civil Equal Justice Funding.
 - a) Maintain purchasing power of the state funded civil legal aid system in light of known and measurable cost increases over time.
 - b) Increase state funding over the course of multiple biennia until the statewide civil legal aid delivery system (staffed legal aid, pro bono, state support) has the resources necessary to provide timely and effective legal aid services to

eligible low income residents throughout the state who experience important civil legal problems.

2. Accountability: Ensure that state funding invested in civil legal aid delivery and infrastructure underwrites effective and economical service delivery that is consistent with applicable statutory and contractual requirements, conforms to applicable national and state standards for civil legal aid delivery and is responsive to the most significant civil legal problems experienced by eligible low income people within Washington State.
 - a) Services funded with state appropriated dollars will be delivered in accordance with relevant statutory requirements and limitations.
 - b) Services funded with state appropriated dollars will be delivered in an effective and economical manner.
 - c) Services funded with state appropriated dollars shall be delivered in a manner consistent with relevant national and state standards for the effective delivery of high quality civil legal aid services.
 - d) Consistent with relevant national and state standards and statutory limitations, services funded with state appropriated dollars will be responsive to the most significant civil legal problems experienced by eligible low income people within Washington State.
 - e) Services funded with state appropriated dollars will be strategically invested to further the goals and service delivery objectives of the State Plan for the Delivery of Civil Legal Aid Services in Washington State adopted by the Supreme Court's Access to Justice Board.
 - f) State-funded civil legal aid services will achieve results that benefit those low income people who receive them.
3. Equity: Eligible low income people will have access to the type and quality of civil legal aid services that they need to solve important personal and family civil legal problems, regardless of where they reside or barriers they may experience due to cultural, linguistic, ability-based or other characteristics.
 - a) State funded civil legal aid services will be available on an equitable geographic basis throughout the state.
 - b) Providers of state funded civil legal aid services will undertake effective outreach to eligible low income clients and client communities that experience social, cultural, linguistic, ability-based or other obstacles to knowing of and/or accessing the civil legal aid services that they need.
 - c) Statewide support infrastructure necessary to enable the state funded civil legal aid system to provide effective, economical and high quality client services will be established and maintained.
 - d) Consistent with the Access to Justice Board's State Plan, underwrite the acquisition/development of and, where appropriate, host capacities (e.g., uniform technology applications, essential skills, professional development, cultural competency and leadership training, strategic client advocacy

coordination, statewide pro bono support) that support and enhance the ability of state funded civil legal aid providers to deliver effective and economical civil legal aid services consistent with national and state quality standards.

4. State Support: Statewide support infrastructure necessary to enable the state-funded civil legal aid system to provide effective, economical and high quality client services will be established and maintained.
 - a) Work with the Access to Justice Board, Civil Legal Aid Oversight Committee and other Alliance supporters and members to identify, promote, support and, where necessary and appropriate, underwrite and/or host capacities and infrastructure necessary to enable state funded legal aid providers to deliver timely, effective, economical and high quality civil legal aid services.
5. Integration Within Judicial Branch: The provision of effective and meaningful civil legal aid will be recognized as an enduring responsibility and high priority of the Washington State judicial branch. The OCLA will:
 - a) Participate as an equal among judicial branch agencies in branch-wide planning and systems development efforts.
 - b) Work with judicial branch agencies, commissions, associations and other stakeholders to integrate considerations relating to the fair and equal administration of civil justice in matters affecting low income people into research, planning and policy development initiatives of key judicial branch agencies, boards and commissions.
 - c) Maintain understanding of and support for the mission of the Office of Civil Legal Aid within the judicial branch.
6. Oversight: Ensure effective, ongoing bipartisan oversight of the activities of the Office of Civil Legal Aid.
 - a) The Civil Legal Aid Oversight Committee will be effectively staffed and supported so that it may discharge its statutory oversight responsibilities.
 - b) The Civil Legal Aid Oversight Committee will be regularly updated on matters relevant to the delivery of state-funded civil legal aid services to low income people.
7. Continuous Assessment and Reporting: Establish and/or support systems that allow continued assessment of the social, economic and legal environment affecting low income residents and the capacity of the state-funded civil legal aid delivery system to address the civil legal needs of low income individuals and families; report and make recommendations on policies relating to the provision of state-funded civil legal aid in Washington State.
 - a) In conjunction with the Access to Justice Board, establish and/or support the development of capacities to monitor and update relevant social and economic

indicators relating to the populations served by state-funded civil legal aid providers and present such data in useful formats

- b) Periodically update the Civil Legal Needs Study published by the Supreme Court's Task Force on Civil Equal Justice Funding.
- c) Prepare and present a biennial update on the status of access to the civil justice system for low-income people eligible for state-funded legal aid as required by RCW 2.53.020(3)(c)

E. PERFORMANCE MEASURES, TARGETS AND STRATEGIES

1. Funding: Secure state funding necessary to address the most important civil legal needs of low income people as documented by the Civil Legal Needs Study and related reports of the Supreme Court's Task Force on Civil Equal Justice Funding.

Target No. 1: Ensure that maintenance adjustments to address known and measureable changes in costs experienced by state-funded legal aid providers are included in biennial budget for civil legal aid services.

Strategy No. 1: Include maintenance adjustments for state funded legal aid providers in all budget submissions

Target No. 2: Achieve consistent and meaningful increases in state funding for civil legal aid over multiple biennia

Strategy No. 1: Establish and maintain effective and ongoing relations with key legislative members, caucus staff and committee staff; establish and maintain effective and ongoing relations with executive budget and policy staff.

Strategy No. 2: Coordinate the development and execution of legislative strategies to increase legislative appropriations for civil legal aid over time with the ATJ Board's Equal Justice Coalition and relevant judicial branch agencies.

Strategy No. 3: Develop and coordinate effective communications and strategies to expand bipartisan legislative understanding of the work of the Office of Civil Legal Aid and the entities that provide state-funded civil legal aid services.

2. Accountability: Ensure that state funding invested in civil legal aid delivery and infrastructure underwrites effective and economical service delivery that is consistent with applicable statutory and contractual requirements, conforms to applicable national and state standards for civil legal aid delivery and is responsive to the most significant civil legal problems experienced by eligible low income people within Washington State.

Target No. 1: Work with the ATJ Board to develop systems and protocols to monitor performance of state-funded civil legal aid providers to ensure high quality services consistent with statutory and contractual requirements, the ATJ Board's State Plan and applicable national and state standards.

Strategy No. 1: Adopt the ABA's revised Standards for the Delivery of Civil Legal Aid (Aug. 2006) and the Legal Services Corporation's Legal Services Performance Criteria (rev. March 2007) as appropriate standards and benchmarks for establishing expectations relating to the delivery of high quality and effective civil legal aid services with state funds. Consider and adopt revised statewide Civil Legal Aid Performance Standards developed by the Access to Justice Board.

Strategy No. 2: Work with the ATJ Board to develop and implement a standards-based performance accountability protocol for monitoring and oversight of state-funded legal aid providers.

Strategy No. 3: Conduct biennial fiscal and administrative reviews of the Northwest Justice Project to monitor use of funds, systems and compliance with applicable statutory and contractual requirements; monitor client service statistical reports and other documentation provided to the OCLA by the state-funded legal aid providers.

Strategy No. 4: Conduct site visits to four NJP field offices per biennium; report back to NJP and the Civil Legal Aid Oversight Committee.

Strategy No. 5: Contractually obligate NJP to ensure that statutory requirements and limitations as well as relevant national and state performance standards are applied to pro bono and specialty legal aid programs that receive state funding.

Target No. 2: Ensure that services are responsive to the high priority needs of clients and deliver effective results

Strategy No. 1: Periodically reassess the needs of low income clients and client communities; provide results to the Access to Justice Board, State Plan Oversight Committee, NJP, Equal Justice Coalition and Alliance members and supporters.

Strategy No. 2: Incorporate assessment of local priorities in oversight activities at the statewide and local level.

Strategy No. 3: Work with the Access to Justice Board, the Legal

Foundation of Washington and state-funded civil legal aid providers to develop relevant qualitative indicators of the effectiveness of civil legal aid delivery efforts; develop strategies to assess program performance against such indicators over time.

Target No. 3: Employ all effective and economical delivery components and capacities to support the delivery of consistent and reliable civil legal aid services that are responsive to the highest priority needs.

Strategy No. 1: Continue to strike a balance between state investment in high volume intake, advice and referral services (e.g., CLEAR; King County 2-1-1) and local, regional and statewide staffing capacity to achieve meaningful presence and provide direct extended legal representation for low income on complex civil legal matters that affect basic human interests.

Strategy No. 2: Consistent with Access to Justice Board's State Plan, secure and invest resources to upgrade the state-funded legal aid system's capacity to economically provide relevant and responsive client services, including funding to increase the involvement and delivery of services by volunteer attorneys throughout the state.

Strategy No. 3: Promote and support efforts to employ innovations that support the development of new and effective client service delivery techniques and strategies.

3. Equity: Eligible low income people will have access to the type and intensity of civil legal aid services that they need to solve important personal and family civil legal problems, regardless of where they reside or barriers they may experience due to cultural, linguistic, ability-based or other characteristics.

Target No. 1: Consistent with RCW 2.53.030(4) and the ATJ Board's State Plan (2006), there should be a relatively even ratio of state-funded attorneys to eligible clients in every region of the state.

Strategy No. 1: State funding increases will be focused in part on closing geographic staffing differentials on an attorney to eligible client population basis.

Strategy No. 2: CLEAR services will continue to be monitored to ensure that there is geographic equity of access to these services; information will continue to be presented in terms of hours of service delivered on a county-by-county and regional basis.

Strategy No. 3: NJP field office services will continue to be monitored to ensure that there is geographic equity of access to services; OCLA will

work with NJP leadership to address significant proportionality differentials that may be documented in quarterly geographic proportionality reports.

Target No. 2: Ensure equity of access for those who experience social, cultural, linguistic, ability-based or other obstacles that limit their ability to access needed civil legal aid services.

Strategy No. 1: Establish contractual performance expectations requiring NJP to identify and develop client service strategies to address these populations and subpopulations.

Strategy No. 2: Contractually obligate NJP and other state-funded providers to comply with applicable federal and state nondiscrimination laws and laws requiring the provision of accommodations for persons with disabilities as well as the Supreme Court's Access to Justice Technology Principles.

Strategy No. 3: Contractually obligate NJP and other state-funded providers to provide interpreter services for limited English speaking and hearing impaired clients, and to make reasonable accommodations that ensure effective delivery of services to other disabled clients.

Strategy No. 4: Provide resources to support periodic cultural competency training for state funded legal aid program staff and volunteer attorneys working with state-funded legal aid providers.

4. State Support: Statewide support infrastructure necessary to enable the state-funded civil legal aid system to provide effective, economical and high quality client services will be established and maintained.

Target: Identify essential statewide support needs to enable the state funded civil legal aid system to provide effective, economical and high quality client services will be established and maintained.

Strategy No. 1: Work with the Access to Justice Board to determine the essential statewide support systems and capacities that are needed to enable the state-funded component of Washington's civil legal aid system to provide high quality, effective, coordinated and economical services to eligible clients in authorized areas of client service.

Strategy No. 2: Establish state support infrastructure as a funding priority for state funded civil legal aid, and include this as a component of biennial budget requests.

5. Integration Within Judicial Branch: The provision of effective and economical civil legal aid will be recognized as an enduring responsibility of the Washington State judicial branch.

Strategy No. 1: Participate in statewide judicial branch policy development initiatives; ensure that policies reflect branch-wide commitment to ensuring that court-based civil justice systems are aware of and responsive to the needs low income people

Strategy No. 2: Identify judicial branch agency strategic initiatives that touch or concern the provision of civil justice services to low income people or the ability of low income people to secure effective relief through the civil court system; ensure that civil legal aid perspectives are incorporated into the design and execution of such initiatives.

Strategy No. 3: Work with the AOC communications staff to develop intra-branch communications designed to enhance the knowledge and awareness of the Office of Civil Legal Aid and the services it provides throughout the branch.

Strategy No. 4: Meet with and report annually to members of the Supreme Court, the Board for Judicial Administration, the Superior Court Judges Association and the District and Municipal Court Judges Association on the activities of the Office of Civil Legal Aid.

6. Oversight: Ensure effective, ongoing bipartisan oversight of the activities of the Office of Civil Legal Aid.

Strategy No. 1: Provide effective and continuing support for the Chair and members of the Civil Legal Aid Oversight Committee

Strategy No. 2: Provide consistent and reliable information to the Civil Legal Aid Oversight Committee regarding the work of the Office of Civil Legal Aid and the provision of state-funded civil legal aid services, national and state issues affecting the delivery of such services and matters that are of relevance to policies affecting the availability and quality of civil justice experienced by low income people in Washington State.

7. Continuous Assessment and Reporting: Establish and/or support systems that allow continued assessment of the social, economic and legal environment affecting low income residents and the capacity of the state-funded civil legal aid delivery system to address the civil legal needs of low income individuals and families; report and make recommendations on policies relating to the provision of state-funded civil legal aid in Washington State.

Target No. 1: Working with the ATJ Board and other stakeholders, establish capacity to allow for monitoring of client service capacity, relevant client demographics, justice system demand variables and other information relevant to assessing the needs of clients, the capacity of the system to serve clients, and local and regional client service differentials.

Strategy No. 1: Fund and oversee operations of statewide GIS system to map information relevant to statewide legal aid delivery

Strategy No. 2: Develop capacity to regularly monitor and update data base (Matrix) of information relating to client service capacity and client demographics, including census information.

Target No. 2: Periodically update the findings of the Civil Legal Needs Study and determine the remaining Justice Gap for clients in state authorized areas of representation.

Strategy No. 1: Work with the ATJ Board and other stakeholders to determine a time to initiate a process to update the 2003 Civil Legal Needs Study; work to secure sufficient funding to underwrite the update.

Strategy No. 2: Monitor and report on gaps in client service capacity and updated client legal needs; quantify the resource gap.

Strategy No. 3: Work with bipartisan Civil Legal Aid Oversight Committee and the Access to Justice Board to develop recommendations, as may be appropriate and informed by considerations of client needs and available resources, relating to the provision of state-funded civil legal aid services.

F. PERFORMANCE ANALYSIS

Under the guidance of the Civil Legal Aid Oversight Committee, a system will be developed to assess the OCLA's progress against the performance targets and implementation of strategies set forth in this initial strategic plan.

G. ASSESSMENT OF EXTERNAL CHALLENGES AND OPPORTUNITIES

1. Client Needs

- Increased Poverty (2000-2010)
- Emergence of new legal problems – e.g., consumer, mortgage foreclosure, bankruptcy, energy/utilities, etc.

- Emergence of new populations with high civil legal problems – e.g., military families, veterans, youth, legal immigrants
- Consequences of potential cuts to federally and state funded social and human services

2. Challenges and Opportunities Affecting other Components and Capacities Within Washington State's Legal Aid System:

- Federal funding
- IOLTA funding – consequences of current and anticipated revenue shortfalls on state-funded component of the civil legal aid delivery system
- Pro Bono capacity development – potential impact and effect of expanded investment in field and statewide support capacities on level and quality of volunteer attorney services provided throughout the state
- Efforts to expand authorization to practice to non-attorneys

3. Judicial Branch Priorities

Monitor policy-based initiatives within the following key judicial branch agencies:

- Supreme Court
- Board for Judicial Administration (BJA)
- Administrative Office of the Courts (AOC)
- Office of Public Defense (OPD)

4. Budget Environment

- FY 2009-11; FY 2011-13 projected deficits – near-term impact on potential new revenue available to close the Justice Gap.

H. ASSESSMENT OF INTERNAL CAPACITY AND FINANCIAL HEALTH

The Office of Civil Legal Aid is staffed by a single person – the Director. Funding for OCLA operations is included in the annual civil legal aid biennial budget. Administrative expenses for FY 2007-09 are 2.1% of the total biennial appropriation. The OCLA has secured substantial fiscal, budget and related support services from the Administrative Office of the Courts. The OCLA also contracts with third party providers to secure necessary services consistent with core agency operational needs and the initiatives outlined in this strategic plan. There are two additional areas of potential staffing need: (1) the agency has no clerical support; within the next biennium or so, some dedicated clerical support should be obtained; and (2) depending on the evolution of planning initiatives currently underway at the Supreme Court's Access to Justice Board regarding the development of dedicated statewide support infrastructure, the OCLA may be required to dedicate additional resources for in-house and third-party contracted support activities.